

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
90337.032702

In Re Application Of: **Francis X. Smith**

RECEIVED

DEC 16 2003

Serial No.
09/706,318

Filing Date
November 4, 2000

Examiner
Z. Fay

Group Art Unit
OFFICE OF PETITIONS 1614

Inv. No. **IMPROVED OPHTHALMIC AND CONTACT LENS SOLUTIONS COMPRISING IMIDAZOLE**

DEC 15 2003

Attention: Office of Petitions
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☐ A proposed reply to the above-identified Office Action:

☐ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: _____

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☐ A small entity declaration:

☐ is enclosed. ☐ was filed on _____

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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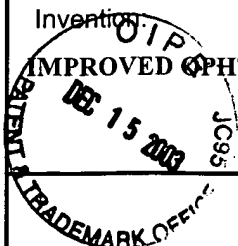
Examiner
Z. Fay

OFFICE OF PETITIONS

Group Art Unit
1614

Invention:

IMPROVED OPHTHALMIC AND CONTACT LENS SOLUTIONS COMPRISING IMIDAZOLE



Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$665.00
8. ☐ Fee for amendment in the amount of: _____
9. ☐ Fee for extension of time to reply to Office Action in the amount of: _____
10. ☐ Issue fee in the amount of: _____
11. ☐ Continuing application filing fee in the amount of: _____
12. ☐ Terminal disclaimer fee in the amount of: _____
13. ☐ _____

Total fees enclosed: \$665.00

The fee of **\$665** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to
Deposit Account No. **10-0223**

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Filing Date
November 4, 2000

Examiner
Z. Fay

Group Art Unit
1614

IMPROVED OPTHALMIC AND CONTACT LENS SOLUTIONS COMPRISING IMIDAZOLE

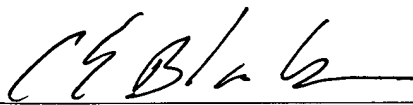
RECEIVED

DEC 16 2003

OFFICE OF PETITIONS

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.



Signature

Dated: 12/12/2003

Christopher E. Blank, Esq.
Reg. No.: 32,237
JAECKLE FLEISCHMANN & MUGEL, LLP
39 State Street
Suite 200
Rochester, New York 14614-1310
Tel: (585) 262-3640
Fax: (585) 262-4133

I certify that this document and fee is being deposited
on 12-12-2003 with the U.S. Postal Service as
first class mail under 37 C.F.R. 1.8 and is addressed to the
Mail Stop Petition, Commissioner for Patents, P.O. Box
1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

William M. Hall

Typed or Printed Name of Person Mailing Correspondence

CC:

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)

Applicant(s):

Docket No.

90337.032702

Serial No.

09/706,318

Filing Date

November 4, 2000

Examiner

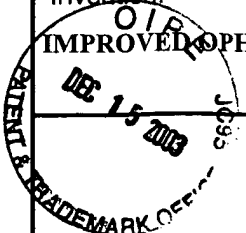
Z. Fay

Group Art Unit

1614

Invention:

IMPROVED OPHTHALMIC AND CONTACT LENS SOLUTIONS COMPRISING IMIDAZOLE

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OFFICE OF PETITIONS

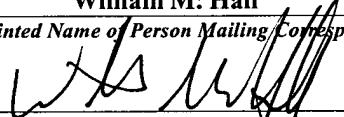
I hereby certify that this Petition to Revive Application Abandoned Unintentionally (2 pgs)
(Identify type of correspondence)

is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

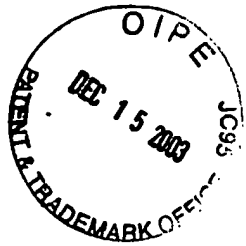
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

12-12-2003
(Date)William M. Hall

(Typed or Printed Name of Person Mailing Correspondence)


(Signature of Person Mailing Correspondence)

Note: Each paper must have its own certificate of mailing.



PATENT
90337.032702

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant(s):	Francis X. Smith)	
)	
Serial No.:	09/706,318)	Examiner:
)	Z. Fay
Filed:	November 4, 2000)	
)	
For:	IMPROVED OPHTHALMIC AND CONTACT)	Group:
	LENS SOLUTIONS COMPRISING IMIDAZOLE)	1614
)	

Mail Stop: Petition
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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**PETITION TO REVIVE APPLICATION ABANDONED
UNINTENTIONALLY**

Dear Sir:

It has come to the Applicant's attention that the present application was abandoned because no response was filed with respect to an office action issued in the case. Applicant never received said office action and is currently making an effort to obtain a copy. Applicant is including a Petition to Revive Application Abandoned Unintentionally and a Change of Correspondence Address form with this letter.


In the event that Applicant has overlooked the need for a payment of fee or additional payment of fee, Applicant hereby conditionally petitions therefore and authorizes that any changes be made to Deposit Account No.: 10-0223.

App. No. 09/706,318
Letter. Dated December 12, 2003

Should you have any questions or comments regarding the enclosed, please do not
hesitate to contact me.

Respectfully submitted,

Dated: 12/12/2003



Christopher E. Blank, Esq.
Reg. No.: 31,237

JAECKLE FLEISCHMANN & MUGEL, LLP
39 State Street, Suite 200
Rochester, New York 14614-1310
Tel: (585) 262-3640
Fax: (585) 262-4133